

**SUPREME COURT MINUTES
THURSDAY, SEPTEMBER 10, 2009
SAN FRANCISCO, CALIFORNIA**

S034800

**PEOPLE v. DE HOYOS
(RICHARD LUCIO)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Annie Featherman Fraser's representation that she anticipates filing the respondent's brief by March 15, 2010, counsel's request for an extension of time in which to file that brief is granted to November 16, 2009. After that date, only two further extensions totaling about 120 additional days are contemplated.

S039894

**PEOPLE v. SATTIEWHITE
(CHRISTOPHER JAMES)**

Extension of time granted

Good cause appearing, and based upon counsel Peter Hensley's representation that he anticipates filing the appellant's reply brief by January 6, 2010, counsel's request for an extension of time in which to file that brief is granted to November 3, 2009. After that date, only one further extension totaling about 60 additional days is contemplated.

S057242

**PEOPLE v. SPENCER
(CHRISTOPHER ALAN)**

Extension of time granted

Good cause appearing, and based upon counsel Emry J. Allen's representation that he anticipates filing the appellant's opening brief by early 2010, counsel's request for an extension of time in which to file that brief is granted to November 3, 2009. After that date, only one further extension totaling about 60 additional days is contemplated.

S067392

**PEOPLE v. FREDERICKSON
(DANIEL CARL)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy Attorney General Holly D. Wilkens's representation that she anticipates filing the respondent's brief by January 10, 2010, counsel's request for an extension of time in which to file that brief is granted to November 9, 2009. After that date, only one further extension totaling about 60 additional days is contemplated.

S092240**PEOPLE v. BOYCE (KEVIN
DEWAYN)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Douglas Ward's representation that he anticipates filing the appellant's opening brief by mid-December 2009, counsel's request for an extension of time in which to file that brief is granted to November 16, 2009. After that date, only one further extension totaling about 30 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S115284**PEOPLE v. TRINH (DUNG
DINH ANH)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to November 16, 2009.

S119296**PEOPLE v. BATTLE
(THOMAS LEE)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to November 10, 2009.

S143058**RICCARDI (JOHN
ALEXANDER) ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Carla J. Johnson's representation that she anticipates filing the reply to the informal response to the petition for writ of habeas corpus by October 8, 2009, counsel's request for an extension of time in which to file that document is granted to October 8, 2009. After that date, no further extension will be granted.

S161608**FUIAVA (FREDDIE) ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Michael Satris's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by October 25, 2009, counsel's request for an extension of time in which to file that document is granted to October 26, 2009. After that date, no further extension is contemplated.

S162508**ALLEN (MICHAEL
DAMONE) ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Stephen S. Buckley's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by November 1, 2009, counsel's request for an extension of time in which to file that document is granted to November 9, 2009. After that date, no further extension is contemplated.

S164614 C057766 Third Appellate District**PEOPLE v. S.C. (SPARKS)**

Extension of time granted

On application of real party in interest and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to September 21, 2009.

No further extensions of time will be granted.

S167453**LENART (THOMAS
HOWARD) ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Wesley A. Van Winkle's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by February 6, 2010, counsel's request for an extension of time in which to file that document is granted to November 3, 2009. After that date, only two further extensions totaling about 90 additional days are contemplated.

S175532**UTILITY CONSUMERS'
ACTION NETWORK v.
CALIFORNIA PUBLIC
UTILITIES COMMISSION
(SAN DIEGO GAS &
ELECTRIC COMPANY)**

Extension of time granted

On application of Real Party in Interest California Independent System Operator Corporation, and good cause appearing, it is ordered that the time to serve and file answers to the petitions for writ of review is extended to October 9, 2009, or 35 days from September 4, 2009, the date the Fourth District Court of Appeal filed its order denying the Commission's transfer request.

S175955 B206102 Second Appellate District, Div. 4**PALMER/SIXTH STREET
PROPERTIES, LP v. CITY OF
LOS ANGELES**

Extension of time granted

On application of Respondents and good cause appearing, it is ordered that the time to serve and file respondents' Answer to Petition for Review is extended to September 28, 2009.

S054774

**PEOPLE v. TAYLOR (KEITH
DESMOND)**

Order filed

Good cause appearing, and pursuant to California Rules of Court, rule 8.520(f)(2) the application of the Habeas Corpus Resource Center to file an amicus curiae letter brief is granted.

Any answer thereto may be served and filed by any party on or before September 30, 2009.

S068536

**PEOPLE v. MCWHORTER
(RICHARD)**

Order filed

Good cause appearing, the application of the California State Public Defenders Association for leave to file a request for modification of the opinion is granted.

S115894

**STITELY (RICHARD) ON
H.C.**

Order filed

The order filed on September 9, 2009, is hereby amended to read in its entirety.

The Director of the Department of Corrections and Rehabilitation is ordered to show cause in this court, when the matter is placed on calendar, why petitioner is not entitled to relief on the ground that he is mentally retarded within the meaning of *Atkins v. Virginia* (2002) 536 U.S. 304 (see also *In re Hawthorne* (2005) 35 Cal.4th 40), as alleged in Claim IX of the petition for writ of habeas corpus filed on May 15, 2003.

All other claims, except Claim XIII, are denied on the merits.

Claim XIII is denied as premature, without prejudice to renewal after an execution date is set.

Kennard and Chin, JJ., are of the opinion an order to show cause should also be issued on the ground that his mental retardation rendered his incriminating statements to police involuntary and unreliable, as alleged in Claim I.

S115894

**STITELY (RICHARD) ON
H.C.**

Order filed

Due to a clerical error, the order filed on September 10, 2009, is hereby amended to read in its entirety as follows.

The Director of the Department of Corrections and Rehabilitation is ordered to show cause in the Los Angeles County Superior Court, when the matter is placed on calendar, why petitioner is not entitled to relief on the ground that he is mentally retarded within the meaning of *Atkins v.*

Virginia (2002) 536 U.S. 304 (see also *In re Hawthorne* (2005) 35 Cal.4th 40), as alleged in Claim IX of the petition for writ of habeas corpus filed on May 15, 2003.

All other claims, except Claim XIII, are denied on the merits.

Claim XIII is denied as premature, without prejudice to renewal after an execution date is set.

Kennard and Chin, JJ., are of the opinion an order to show cause should also be issued on the ground that mental retardation rendered petitioner's incriminating statements to police involuntary and unreliable, as alleged in Claim I.

S176198

A126020 First Appellate District, Div. 3

**WELLS (JONATHON) v. S.C.
(PEOPLE)**

Order filed

To allow consideration of the petition for review filed herein, trial in *People v. Jonathon Wells*, San Francisco County Superior Court No. 202537, is hereby stayed pending further order of this court.

Fourth Appellate District, Div. 2

TRANSFER ORDERS

The following matters, now pending in the Court of Appeal, Fourth Appellate District, are transferred from Division Two to Division One:

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|-----|---------|---------------------------------|
| 1. | E048085 | People v. Rahsaan Hanif Greene |
| 2. | E048225 | People v. Kenden Masaaki Ige |
| 3. | E047900 | People v. Roderick Piggee, Jr. |
| 4. | E048067 | People v. Reggie Bullock et al. |
| 5. | E048055 | People v. Randolph Zane |
| 6. | E048138 | People v. Anthony McCollum |
| 7. | E048091 | People v. Hector Miguel Aguirre |
| 8. | E048143 | People v. Melwatt Morehead |
| 9. | E048216 | People v. Juan Manuel Contreras |
| 10. | E048165 | People v. Daniel Lee Foreman |

**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
LOS ANGELES SESSION
OCTOBER 6, 2009**

FIRST AMENDED

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald Reagan State Office Building, 300 South Spring Street, Third Floor, North Tower, Los Angeles, California on October 6, 2009.

TUESDAY, OCTOBER 6, 2009—9:00 A.M.

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|---------|--|
| S157341 | Lexin et al. v. Superior Court of San Diego County
(The People, Real Party in Interest) <i>[To be called and
continued to November 2009 calendar]</i> |
| S156598 | Brown, Winfield & Canzoneri, Inc. v. Superior Court of Los
Angeles County (Great American Ins. Co., Real Party in Interest) |
| S155556 | In re Phoenix H. et al. |
| S054372 | People v. Ervine (Dennis) [Automatic Appeal] |

1:30 P.M.

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|---------|---|
| S166894 | People v. Johnson (Timothy) |
| S068230 | People v. Butler (Raymond Oscar) [Automatic Appeal] |
| S054774 | People v. Taylor (Keith Desmond) [Automatic Appeal] |

Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission.
(See Cal. Rules of Court, rule 8.224(c).)